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5 **Attorneys for Debtors**

6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF NEVADA**

9 IN RE:

10 JAMES A. WEST, aka JIM WEST, and
11 CARLEEN J. WEST,
dba SWEET WATER FARM,

Case No: 10-54234

Chapter: 12

**EX-PARTE MOTION FOR AN
EXTENSION OF TIME TO FILE
DEBTORS' CHAPTER 12 PLAN**

14 Debtors-in-Possession.

15 Debtors-in-possession, JAMES A. WEST and CARLEEN J. WEST, doing business as
16 Sweet Water Farm ("Debtors"), by and through their counsel of record, Fahrendorf, Viloria,
17 Oliphant & Oster L.L.P. ("FVOO"), hereby move the Court for an order extending the time in
18 which Debtors may file their Chapter 12 Plan by thirty (30) days. This motion is brought pursuant
19 to 11 USC § 1221 and Fed.R.Bank.P 9006(b)(1). This motion is based upon the Declaration of
20 Scott F. Gilles, Esq. In Support of the Ex-Parte Motion for an Extension of Time to File Debtors'
21 Chapter 12 Plan ("Declaration"), filed contemporaneously herewith, the verbal consent of the
22 Chapter 12 Trustee Nelson Enmark, the following points and authorities and all pleadings and
23 papers on file herein.
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POINTS AND AUTHORITIES

Debtors' undersigned counsel of record, Scott F. Gilles, Esq., will no longer be employed by FVOO, effective January 21, 2011. FVOO does not employ any other attorneys who regularly practice bankruptcy law or are otherwise experienced and suited to take over representation of this Chapter 12 proceeding. Debtors were informed of the transition on January 10, 2011, and FVOO and the undersigned are diligently coordinating with Debtors to obtain substitute counsel who will be able to effectively and efficiently guide the Debtors through these proceedings.

Section 1221 grants the court power to extend a debtor's deadline for filing a plan under this chapter "if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable." Such is the situation in the instant case. Fed.R.Bank.P 9006(b)(1) authorizes the Court to enlarge the timeline for filing a Chapter 12 plan without notice, to wit:

(b) Enlargement.

(1) In general.

Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) on motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect. [Emphasis added]

Furthermore, the Chapter 12 Trustee, Nelson Enmark, has verbally communicated to the undersigned that he has no objection to a thirty (30) day extension for Debtors to file their Chapter 12 Plan in light of the need to substitute in new counsel.

Denying this request for an extension would place an unreasonable burden on the Debtors and their future counsel to meet the present filing plan deadline of January 25, 2011. The circumstances presented here are beyond the Debtor's control and the extension request is not

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1 unjustified nor will it prejudice the interests of the creditors. As such, a thirty (30) day extension
2 should be granted.

3 WHEREFORE, the Debtors respectfully request that they be granted a thirty (30) day
4 extension to file their proposed Chapter 12 Plan, in accordance with 11 USC §1221.

5 **DATED** this 20th day of January, 2011.

6 FAHRENDORF, VILORIA,
7 OLIPHANT & OSTER L.L.P.

8
9 By: /s/ Scott Gilles
10 Scott F. Gilles, Esq.
11 Nevada Bar No. 9035
12 Counsel of Record for Debtors
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of the law firm of FAHRENDORF, VILORIA, OLIPHANT & OSTER L.L.P., over the age of 18 and not party to the action herein, and that on the date shown below, I caused service of a true and correct copy of the attached:

EX-PARTE MOTION FOR AN EXTENSION OF TIME TO FILE DEBTORS' CHAPTER 12 PLAN

to be completed through electronic service through the U.S. Bankruptcy Court's ECF Filing System to the following:

LOUIS M. BUBALA on behalf of Creditor Farm Credit Leasing Services Corporation
lbubala@armstrongteasdale.com, bsalinas@armstrongteasdale.com

M NELSON ENMARK
nenmark.trustee@gmail.com

BRIAN R. IRVINE on behalf of Creditor TRI-STATE LIVESTOCK CREDIT CORP
BIRVINE@JONESVARGAS.COM, l-b@jonesvargas.com

STEFANIE T. SHARP on behalf of Creditor NEVADA STATE BANK
ssharp@rbslattys.com, hdericco@rbslattys.com

AMY N. TIRRE on behalf of Creditor TRI-STATE LIVESTOCK CREDIT CORP
amy@amytirrelaw.com, admin@amytirrelaw.com

and by first-class U.S. Mail, postage pre-paid and addressed as on the attached mailing matrix.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this 20th day of January, 2011

/s/ Jennifer Starley
Jennifer Starley, Declarant

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OLIPHANT
& OSTER L.L.P.
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Label Matrix for local noticing
0978-3
Case 10-54234-gwz
District of Nevada
Reno
Wed Jan 19 14:58:29 PST 2011

TRI-STATE LIVESTOCK CREDIT CORPORATION
c/o BRIAN R. IRVINE / JONES VARGAS
PO BOX 281
RENO, NV 89504-0281

BRIAN R. IRVINE, ESQ.
POB 281
RENO, NV 89504-0281

Bk Of Amer
4060 Ogletown-stanton Rd
Newark, DE 19713

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Chapter 12 Trustee
M. Nelson Enmark
3447 W. Shaw Avenue
Suite A
Fresno, CA 93711-3204

(p)CHRYSLER FINANCIAL
27777 INKSTER RD
FARMINGTON HILLS MI 48334-5326

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

State of Nevada Dept. of Motor Vehicles
Attn: Legal Division
555 Wright Way
Carson City, Nevada 89711-0001

WELLS FARGO EQUIPMENT FINANCE, INC.
ATTN: MELISSA HARRIS
1540 W. FOUNTAINHEAD PKWY
TEMPE, AZ 85282-1839

Farm Credit Leasing Services Corporation
c/o Louis Bubala III
Armstrong Teasdale
50 W. Liberty St., Suite 950
Reno, NV 89501-1979

United States Bankruptcy Court
300 Booth Street
Reno, NV 89509-1360

Bank of America
4161 Piedmont Pkwy
Greensboro, NC 27410-8119

COMMUNITY BANK
204 EAST MAIN STREET
HERMISTON, OR 97838-1840

Capital One Bank (USA), N.A.
by American Infosource Lp As Agent
PO Box 71083
Charlotte, NC 28272-1083

Chase
Po Box 15298
Wilmington, DE 19850-5298

Dept. of Employment, Training & Rehab
Employment Security Division
500 East Third Street
Carson City, NV 89713-0002

Nevada Department of Taxation, Bankruptcy Se
4600 Kietzke Ln., Suite L-235
Reno, NV 89502-5045

Stewart Title
c/o: Colleen Memeo
810 Idaho Street
Elko, Nevada 89801-3826

Wells Fargo
P.O.Box 29704
Phoenix, AZ 85038-9704

TRI-STATE LIVESTOCK CREDIT CORP
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3715 LAKESIDE DRIVE, SUITE A
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c/o: Janet Chubb, Esq.
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Reno, NV 89501-1979

Bennett H. Goldstein
1132 SW 19th Ave #106
Portland, OR 97205-1742

COMMUNITY BANK
504 EAST MAIN STREET
HERMISTON, OR 97838

(c)CBE GROUP
131 TOWER PARK DR STE 100
WATERLOO IA 50701-9588

Chase Bank USA, N.A.
PO Box 15145
Wilmington, DE 19850-5145

Farm Credit Leasing Services Corp.
Attn: Kathy Schiroo
600 Hwy 169, Suite 300
Minneapolis, MN 55426-1246

Nevada State Bank
475 Railroad Street
Elko, NV 89801-3717

Tri-State Livestock Credit
2880 Sunrise Blvd. #224
Rancho Cordova, CA 95742-6102

Wells Fargo Bank
Bankruptcy Dept.
3201 N. 4th Ave.
Sioux Falls, SD 57104-0700

Wells Fargo Bank, N.A.
Wells Fargo Auto Finance
Attn: MAC S4015-01T
PO Box 29706
Phoenix, AZ 85038-9706

Wells Fargo Equipment Finance
1590 Star Way
Reno, NV 89511-8690

Wells Fargo Equipment Finance
Bankruptcy Dept.
1540 W Fountainhead Pkwy
Tempe, AZ 85282-1839

White Pine County Tax Assessor
955 Campton Street
Ely, NV 89301-1966

Zions Managment Srvc C
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Salt Lake City, UT 84119-1109

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327 CALIFORNIA AVENUE
RENO, NV 89509-1645

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Cap One
Po Box 85015
Richmond, VA 23285

Chrysler Financial
27777 Franklin Rd
Southfield, MI 48034

Internal Revenue Service
110 City Parkway
Las Vegas, NV 89106
MS/5028 Insolvency

(d)Internal Revenue Service
P.O. Box 21126
DPN 781
Philadelphia, PA 19114

Addresses marked (c) above for the following entity/entities were corrected as required by the USPS Locatable Address Conversion System (LACS).

Cbe Group
131 Towe Park Dr Suite 1
Waterloo, IA 50702

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)NEVADA STATE BANK

(d)Community Bank
204 East Main Street
Hermiston, OR 97838-1840

End of Label Matrix	
Mailable recipients	38
Bypassed recipients	2
Total	40